

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

WILLIE ROMERO SANTIAGO,

Plaintiff,

VS.

MEGAN J. BRENNAN, United States
Postmaster General.

Defendant.

Case No.: 20-CV-1571 YGR

**ORDER DENYING MOTION FOR
APPOINTMENT OF COUNSEL WITHOUT
PREJUDICE; CONTINUING CASE
MANAGEMENT CONFERENCE**

The Court has reviewed plaintiff Willie R. Santiago's Motion for Appointment of Counsel, as well as his requests: (1) for oral argument, a protective order, and to be relieved of his discovery obligations; (2) to assign a medical expert, a special master, and to impose a dispositive motion; (3) his request to assign a magistrate to review his case and conduct a discovery meeting, and set a trial date in July 2020; (4) his request to amend his pleadings to name additional defendants violating his First Amendment rights and retaliating against him; (5) his request to amend his pleadings to restate his request for relief; (6) his request to amend his complaint to add additional defendants and issue trial subpoenas; and (7) his case management statement. (See Dkt. Nos. 12-19.)

18 First, with respect to the case management conference currently scheduled for July 6, 2020,
19 that conference is **CONTINUED** to **August 10, 2020**, at 2:00 p.m. The Court notes that plaintiff has
20 filed a proof of service on defendant Megan J. Brennan which indicates that she was served by
21 delivery to authorized agent Boissaye Arkiatou on April 29, 2020, at 3:16 p.m. (Dkt. No. 11.)
22 Defendant has not yet appeared and 60 days have not elapsed from service on defendant, an officer of
23 a United States agency. *See* Fed. Rules Civ. Pro. 12(a)(2), (3).

24 Second, with respect to plaintiff's request for appointment of counsel, in civil proceedings
25 such as the one here, there generally is no constitutional right to counsel, unlike in criminal
26 proceedings. *United States v. 30.64 Acres of Land*, 795 F.2d 796, 801 (9th Cir. 1986) ("There is
27 normally. . . no constitutional right to counsel in a civil case."). The Court has a limited power only to
28 "request an attorney to represent any person unable to afford counsel," in exceptional circumstances.

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1 See 28 U.S.C. § 1915(e)(1); *Agyeman v. Corr. Corp. of Am.*, 390 F.3d 1101, 1103 (9th Cir. 2004)
2 (decision of whether to request counsel is within the discretion of the court and is “granted only in
3 exceptional circumstances”). For the Court to determine whether “exceptional circumstances” exist, it
4 must make an evaluation of the likelihood of plaintiff’s success on the merits of his claims as well as
5 his ability articulate those claims on his own, considering the complexity of the legal issues. *See*
6 *Wilborn v. Escalderon*, 789 F.2d 1328, 1331 (9th Cir. 1986) (citing *Weygandt v. Look*, 718 F.2d 952,
7 954 (9th Cir. 1983)). At this stage of the proceedings, the Court is unable to determine whether
8 exceptional circumstances are present here. Accordingly, plaintiff’s Motion for Appointment of
9 Counsel is **DENIED WITHOUT PREJUDICE**. The Court may reconsider on its own motion and request
10 appointment of counsel later in the proceedings.

11 With respect to plaintiff’s additional requests, the Court will discuss these matters with
12 plaintiff at the case management conference.

13 The Court advises plaintiff that a handbook for self-represented litigants, as well as templates
14 for commonly used documents and other information, can be found at:

15 <https://cand.uscourts.gov/about/court-programs/legal-help-desks/>. Additional assistance may be
16 available by making an appointment with the Legal Help Center. **There is no fee for this service.**
17 To make an appointment with the Legal Help Center, call 415-782-8982 or email
18 federalprobonoproject@sfbar.org.

19 The Court further notes that self-represented (“pro se”) parties with existing cases before this
20 court may register to become ECF users and may file documents electronically without first obtaining
21 a judge’s permission. Further information is available at: <https://cand.uscourts.gov/cases-e-filing/cm-ecf/setting-up-my-account/e-filing-self-registration-instructions-for-pro-se-litigants/>

23 This Order Terminates Docket Number 12.

24 **IT IS SO ORDERED.**
25 **Date: June 29, 2020**


YVONNE GONZALEZ ROGERS
UNITED STATES DISTRICT COURT JUDGE

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